

REMARKS

The following remarks are in response to the Office Action of December 31, 2002, requiring a restriction under 35 U.S.C. 121. In the Election/Restriction Requirement, the Office Action has divided the pending claims into eight groups. Although there are differences in the subject matter covered by all of these groups, it is respectfully submitted that there is a substantial amount of overlap between several of these groups for the purposes of examination. Accordingly, the Applicants respectfully traverse the standing Election/Restriction Requirement and request reconsideration thereof.

More specifically, the Office Action forms group III from claims 1-3, 11, and 45, characterizing these as "drawn to two speaker assemblies ...", and group IV from claims 12, 39-41, and 46, characterizing these as "drawn to four speaker assemblies ...". However, claim 1-3, which the Office Action places in group III, all explicitly recite "two *or more* speakers...", which covers "four speaker assemblies" (placed by the Office Action in group IV) as well as "two speaker assemblies" (placed by the Office Action in group III). Consequently, the Office Action's separation of claims 12, 39-41, and 46 into one group and claims 1-3, 11, and 45 into another is respectfully submitted to be inconsistent and without foundation. Although there are differences in the subject matter covered by groups III and IV, it is respectfully submitted that claims 1-3, 11, 12, 39-41, 45, and 46 form a consistent group for the purposes of examination and should be combined.

It is also respectfully submitted that the Office Action is inconsistent in its reasons for the distinct groupings of claims 18-22 into group VI and claims 23-38 into group VII. In its discussion of group VI, the Office Action states (page 4, lines 13-15):

Invention VI [claims 18-22] has input parameters derived from such physical characteristics of the speakers as compliance. This parameter produces a different effect from the parameters in the other inventions, such as speaker position and alignment.

However, the cited distinguishing physical characteristic of group VI, namely compliance, is not found in independent claim 18, but rather in its dependent claims, claims 21 and 22, whereas dependent claims 19 and 20 explicitly recite that the physical characteristics respectively include "the relative position of [the] speakers" and "the relative position of [the]

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speakers". This is respectfully submitted to be clearly contrary to the Office Actions statements as to why the claims 18-22 should form a separate group.

Concerning group VII, the Office Action states that claims 23-38 are "drawn to a sound reproduction system having a speaker array ... *in an enclosure*", where the emphasis is added. Claims 23-26 do recite an enclosure as the third element of claim 23; however, this element is lacking from claim 26, the other independent claim in group VII. Consequently, the Office Action's basis for the separation of claims 18-22 and claims 23-38 into distinct groups is respectfully submitted to be contradictory and without basis. Although there are differences in the subject matter covered by groups VI and VII, it is respectfully submitted that they form a consistent group for the purposes of examination and should be combined, as can be seen by comparing independent claim 18 of group VI with independent claim 26 of group VII.

The Office Action's group II is composed of a single claim, claim 10, which is characterized as "drawn to a speaker assembly reproducing audio signals based on fixed input parameters determined by the position of the speakers in the assembly". The Office Action forms group I from claims 4-9. Claim 5 includes the limitation "wherein said speaker array comprises two speakers arranged in an enclosure which holds them a specified separation distance apart, and wherein said specified separation distance is fixed." Consequently, although there are differences in the subject matter covered by groups I and II, it is respectfully submitted that claim 10 forms a consistent group with the claims of group I for the purposes of examination and should be combined, as can be seen by comparing independent claim 10 of group II with claim 5 of group I.

Applicants provisionally elect *with traverse* group III (claims 1-3, 11, and 45) for examination. As discussed above, it is respectfully submitted that this group should be combined with group IV (claims 12, 39-41, and 46) for purposes of examination.

Additionally, claims 11, 12, 45 and 46 have been amended to correct a grammatical error and to make their phrasing more consistent with other claims, such as claims 1-3, but are unchanged in substance.

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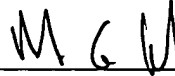
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An early examination and allowance of the present application is earnestly solicited.

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Respectfully submitted,



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APPENDIX

Amended Claims

11.(Amended) A speaker system comprising two speaker assemblies, a first one of said speaker assemblies mounted in front of a listening area and a second one of said speaker assemblies mounted behind said listening area, wherein each of said assemblies [comprise] comprises two or more fixed speakers mounted in a predetermined position with respect to each other, wherein each of said speakers includes one or more acoustic transducers, said speakers being responsive to a plurality of audio input signals from one or more signal processors, wherein said audio input signals are derived based on fixed input parameters determined by said predetermined positions.

12.(Twice Amended) A speaker system comprising four speaker assemblies, a first one of said speaker assemblies mounted in front of a listening area, a second one of said speaker assemblies mounted to the rear of said listening area, a third one of said speaker assemblies mounted to the right of said listening area and a fourth one of said speaker assemblies mounted to the left of said listening area, wherein each of said assemblies [comprise] comprises two or more fixed speakers mounted in a predetermined position with respect to each other, wherein each of said speakers includes one or more acoustic transducers, said speakers being responsive to a plurality of audio input signals from one or more signal processors, wherein said audio input signals are derived based on fixed input parameters determined by said predetermined positions.

45.(Amended) A speaker system comprising two speaker assemblies, a first one of said speaker assemblies mounted in front of a listening area and a second one of said speaker assemblies mounted behind said listening area, wherein each of said assemblies [comprise] comprises two or more fixed speakers mounted in a predetermined position with respect to each other, wherein each of said speakers includes one or more acoustic transducers, said speakers being responsive to a plurality of audio input signals from one or more signal processors.

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